

111TH CONGRESS
1ST SESSION

H. R. 1920

To prohibit United States funding for the 2009 United Nations Durban Review Conference (“Durban II Conference”) or any other activity relating to the planning, preparation, or implementation of a follow-up meeting to the 2001 United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (“Durban I Conference”) in Durban, South Africa.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Mr. GARRETT of New Jersey (for himself, Mr. LAMBORN, and Mr. MARIO DIAZ-BALART of Florida) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To prohibit United States funding for the 2009 United Nations Durban Review Conference (“Durban II Conference”) or any other activity relating to the planning, preparation, or implementation of a follow-up meeting to the 2001 United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (“Durban I Conference”) in Durban, South Africa.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “United Nations Dur-
3 ban Review Conference (Durban II) Funding Prohibition
4 Act of 2009”.

5 **SEC. 2. FINDINGS.**

6 Congress finds as follows:

7 (1) The 2001 United Nations World Conference
8 Against Racism, Racial Discrimination, Xenophobia
9 and Related Intolerance (“Durban I Conference”)
10 was held in Durban, South Africa.

11 (2) The Durban I Conference was used as a
12 platform to advance anti-Semitism and, con-
13 sequently, the United States and Israeli delegates
14 walked out.

15 (3) Former United States Secretary of State
16 Colin Powell gave the following statement after the
17 Durban I Conference: “I know that you do not com-
18 bat racism by conferences that produce declarations
19 containing hateful language, some of which is a
20 throwback to the days of ‘Zionism equals racism;’ or
21 support the idea that we have made too much of the
22 Holocaust; or suggest that apartheid exists in Israel;
23 or that single out only one country in the world—
24 Israel—for censure and abuse.”.

25 (4) The 2009 United Nations Durban Review
26 Conference (“Durban II Conference”) will be held

1 between April 20 and 24, 2009, in Geneva, Switzer-
2 land.

3 (5) On December 22, 2007, the United States
4 and 45 other United Nations member states voted
5 not to support the Durban I Conference.

6 (6) Dutch Foreign Minister Maxime Verhagen
7 announced on December 16, 2008, that the Nether-
8 lands was considering not participating in the Dur-
9 ban II Conference because “it seems like the sole in-
10 tention is to criticize Israel and condemn the West
11 for slavery and its colonial history.”.

12 (7) Canada’s Multiculturalism Secretary of
13 State, Jason Kennedy, announced on January 23,
14 2008, that Canada will not participate in the Dur-
15 ban II Conference because “Canada is interested in
16 combating racism, not promoting it . . . And Can-
17 ada has no intention of lending its good name and
18 resources to such a systematic promotion of hatred
19 and bigotry.”.

20 (8) The United Kingdom’s Europe Minister
21 stated: “We will play no part in an international
22 conference that exhibits the degree of anti-Semitism
23 that was disgracefully on view on the previous occa-
24 sion.”.

1 (9) The United States Congress unanimously
2 passed House Resolution 136 on September 23,
3 2008, which outlines five requirements for United
4 States participation in the Durban II Conference:

5 (A) No reaffirmation of Durban Declara-
6 tion and Plan of Action (Durban I) language
7 singling out Israel for criticism.

8 (B) No language focusing on any single
9 country or conflict.

10 (C) The text must focus on fighting racism
11 and not any political issues.

12 (D) The text must be cleansed of language
13 restricting accepted human rights such as free
14 speech.

15 (E) Language on reparations should not be
16 restricted to formulation in the Durban Dec-
17 laration and Plan of Action.

18 (10) Israel's Minister of Foreign Affairs Min-
19 ister Tzipi Livni announced on November 19, 2008,
20 that Israel will neither participate in nor legitimize
21 the Durban II Conference.

22 (11) United States Acting State Department
23 Spokesman Robert Wood announced on February
24 14, 2009: "The State Department will send a dele-
25 gation to the February 16–19 consultations for the

1 World Conference Against Racism as a means of
2 evaluating the current direction of Conference prep-
3 arations and whether United States participation in
4 the Conference itself is warranted Our partici-
5 pation in these informal negotiations does not indi-
6 cate—and should not be misconstrued to indicate—
7 that the United States will participate in April in
8 the World Conference Against Racism itself.”.

9 (12) United States Acting State Department
10 Spokesman Robert Wood announced on February
11 27, 2009: “The United States will not engage in fur-
12 ther negotiations on this [draft outcome document]
13 text, nor will we participate in a conference based on
14 this text.”.

15 (13) Italian Foreign Minister Franco Frattini
16 announced on March 5, 2009, the withdrawal of the
17 Italian delegation from the preparatory negotiations
18 for the Durban II Conference due to “aggressive
19 and anti-Semitic statements” in the draft of the
20 event’s final document.

21 (14) United States Acting Assistant Secretary
22 of State for International Organization Affairs
23 James Warlick stated on March 21, 2009: “Our
24 conclusion was that there was just not the political
25 will to work with us. Rather than give legitimacy to

1 a conference that has another agenda—not racism—
2 but another agenda, we decided that we would step
3 back.”.

4 (15) Pre-conference drafts for the Durban I
5 Conference condemned Israel for allegedly pursuing a
6 racist Zionist agenda and committing crimes against
7 humanity.

8 (16) An African-led effort at the Durban I Con-
9 ference sought to include a demand for reparations
10 from the West for slavery.

11 (17) Conferees at the Durban I Conference
12 tried to condemn the United States for refusing to
13 adopt certain United Nations treaties.

14 (18) The United States cannot accept treaty re-
15 quirements that are incompatible with the United
16 States Constitution.

17 (19) In December 2007, the United States dele-
18 gation to the United Nations rejected the United
19 Nations biennial budget for 2008–2009 due, in part,
20 because of proposals to fund the Durban II Con-
21 ference.

22 (20) The chair of the Preparatory Committee
23 for the Durban Review Conference is Libya, and the
24 co-chairs include several countries such as Iran,
25 Pakistan, Russia, South Africa, and Cuba which

1 have failed to demonstrate consistent equality of re-
2 spect for human rights.

3 (21) Libya is a member of the League of Arab
4 States, whose Arab Charter on Human Rights calls
5 for the elimination of “Zionism”.

6 (22) Both Libya and Iran are strong supporters
7 of the Organization of the Islamic Conference (OIC)
8 in the United Nations Human Rights Council, which
9 has historically been hostile to Israel.

10 (23) The United Nations Human Rights Coun-
11 cil is responsible for organizing the Durban II Con-
12 ference.

13 (24) The United Nations Human Rights Coun-
14 cil has ignored ongoing repression in Sudan,
15 Belarus, the People’s Republic of China, Cuba,
16 North Korea, Zimbabwe, and other countries.

17 (25) The United Nations Human Rights Coun-
18 cil has held ten regular sessions concerning human
19 rights worldwide and five special sessions to con-
20 demn Israel.

21 (26) The United Nations Human Rights Coun-
22 cil has adopted more resolutions and decisions con-
23 demning Israel than all the other 191 United Na-
24 tions member states combined.

1 (27) United Nations General Assembly Resolu-
 2 tion 46/86 rejects the position that Zionism is rac-
 3 ism or a form of racial discrimination.

4 (28) Over \$2,000,000 from the United Nations
 5 regular budget has been expended on Durban II
 6 Conference preparatory activities.

7 (29) The United States is the largest contrib-
 8 utor to the United Nations system and is assessed
 9 for a full 22 percent of the United Nations regular
 10 budget.

11 (30) The United States House of Representa-
 12 tives passed House Resolution 557 on September 25,
 13 2007, which strongly condemned the United Nations
 14 Human Rights Council for ignoring severe human
 15 rights abuses in various countries, while choosing to
 16 unfairly target Israel by including it as the only
 17 country permanently placed on the Council's agenda.

18 **SEC. 3. PROHIBITION ON UNITED STATES FUNDING FOR**
 19 **THE 2009 UNITED NATIONS DURBAN REVIEW**
 20 **CONFERENCE AND RELATED ACTIVITIES.**

21 Notwithstanding any other provision of law—

22 (1) no funds appropriated or otherwise made
 23 available by any Act may be made available to sup-
 24 port the 2009 United Nations Durban Review Con-
 25 ference (“Durban II Conference”) or any other ac-

1 tivity relating to the planning, preparation, or imple-
2 mentation of a follow-up meeting to the 2001 United
3 Nations World Conference Against Racism, Racial
4 Discrimination, Xenophobia and Related Intolerance
5 (“Durban I Conference”) in Durban, South Africa;
6 and

7 (2) the United States shall withhold from its
8 assessed contributions to the United Nations regular
9 budget, in proportion to the United States assess-
10 ment for the United Nations regular budget, the
11 amount allocated for the Durban II Conference and
12 any other activity relating to the planning, prepara-
13 tion, or implementation of a follow-up meeting to the
14 Durban I Conference.

○